

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Yee, et al. Analyst: Rachel Coco Bill Number: AB 2408

Related Bills: See Prior Analysis Telephone: 845-4328 Amended Date: June 8, 2004

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: State Agencies Employ Bilingual Persons In Newly Created Public Contact Positions & Include Additional Information In Survey For SPB & Submit Implementation Plan To Legislature

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED

X February 19, 2004, STILL APPLIES.

OTHER - See comments below.

SUMMARY

This bill would make changes to the staffing requirements of state agencies that provide bilingual services.

SUMMARY OF AMENDMENTS

The June 8, 2004, amendments would expand the information to be included in a survey conducted by state agencies regarding bilingual employees in public contact positions. In addition, the amendments would specify how the State Personnel Board (SPB) would treat agencies that receive an exemption from this bill.

As a result of the amendments, the "This Bill" portion of the analysis has been revised. In addition, the department has identified a technical consideration that has been included below. The remainder of the analysis of the bill as introduced February 19, 2004, still applies.

POSITION

No position.

Board Position:

_____ S	_____ NA	_____ NP
_____ SA	_____ O	_____ NAR
_____ N	_____ OUA	_____ X PENDING

Legislative Director

Date

Brian Putler

6/18/04

THIS BILL

Under the Dymally-Alatorre Services Act (the act), state or local public agencies are required to employ a sufficient number of qualified bilingual persons in public contact positions. The act requires a state or local agency to implement this requirement by filling positions made vacant by retirement or through normal attrition with bilingual employees. This bill would require newly created positions to be filled in the same manner.

This bill would require that the survey and report on the status of bilingual services positions required of all state agencies by the act be expanded to determine staffing needs of local offices, identify staffing deficiencies, and problems in resolving those deficiencies.

This bill would require SPB to review the results from the survey and provide a report to the Legislature identifying problems or deficiencies related to bilingual staffing and propose solutions where necessary.

This bill would specify that if deficiencies are identified in the bilingual staffing of an agency, that agency would be required to fill any future public contact positions with qualified bilingual staff until the agency is in compliance with the act.

This bill also would allow a state agency to be exempt from the requirements of this bill if any of the following conditions apply:

- there is an emergency that requires the agency to fill the public contact position,
- the agency is unable to identify a qualified bilingual candidate within a reasonable period of time, or
- the job opening for a public contact position does not address the state agency's deficiency in bilingual service.

In order to receive an exemption, this bill would require state agencies to submit to SPB documentation supporting the condition that was applied for each position. Further, the agency would be unable to make an appointment to that position until SPB provides written acknowledgement of receipt of each exemption request. In addition, this bill would require SPB to biennially review all exemptions to assure compliance with the act. Should an agency be out of compliance, this bill would allow SPB to issue any necessary orders to enforce the act, including but not limited to, requiring the agency to obtain prior approval for each appointment until the agency is in full compliance.

TECHNICAL CONSIDERATION

Amendment 1 has been provided to make a technical correction.

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FRANCHISE TAX BOARD'S
PROPOSED AMENDMENTS TO AB 2408
As Amended June 8, 2004

AMENDMENT 1

On page 6, line 23, strikeout "Its" and insert:

It